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SENSITIVE
SIPDIS

STATE FOR G/TIP, G, INL, DRL, PRM, AND WHA/CAR STATE PASS
TO USAID/LAC/CAR-BOUNCY

E.O. 12958: N/A
TAGS: [KTIP](#) [XL](#) [PHUM](#) [KWMN](#) [ELAB](#) [SMIG](#) [ASEC](#) [KFRD](#) [PREF](#) [VC](#)
SUBJECT: TIP SUBMISSION - ST. KITTS AND NEVIS

REF: STATE 132759

¶1. (U) As requested in reftel, below are Post's responses to questions regarding St. Kitts and Nevis for the annual Trafficking in Persons (TIP) Report.

PARA 23 - THE COUNTRY'S TIP SITUATION

¶2. (SBU)
-- A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

There are four sources of TIP information available: the press, the police, the Ministry of Gender Affairs, and the Prime Minister's office, which is primarily contacted through the press secretary. All sources are reliable, however, the government has been unhappy with information in past State Department reports and is careful about what information it releases to the Embassy. The government and civil society do not consider TIP to be problem in the country.

-- B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

St. Kitts and Nevis (SKN) is a small twin-island nation with a population of 38,500. There have been no reports of TIP from the government or the press during the reporting period.

In conversations with TIP contacts, the only potential TIP concerns are persons being trafficked through St. Kitts and Nevis to the U.S., Europe or Canada. St. Kitts and Nevis has the potential to become a country of transit primarily for young women from the Dominican Republic, Guyana, Venezuela or other countries in the region. There are no reports of trafficking occurring within the country's borders. There are no sources of TIP statistics and estimates point to a minimal problem, if any. The only change in the TIP situation from last year was the passing of anti-TIP legislation by the St. Kitts and Nevis parliament in August, ¶2008.

-- C. What kind of conditions are the victims trafficked into?

There have been no reports of women traveling or being trafficked to SKN to engage in prostitution, but prostitution exists. There have been no reports of sexual slavery or trafficking of children for prostitution.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

Young women are the most vulnerable group in SKN, but there is currently no evidence that they are being trafficked.

-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

There have been no reports of TIP by the press or the government. Small business owners of establishments such as bars and/or brothels may offer women employment as

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prostitutes, however there is no evidence any women have been trafficked against their will. There is no indication that employment, travel, or tourism agencies, or marriage brokers, are involved in TIP.

PARA 24 - SETTING THE SCENE FOR
THE GOVERNMENT'S ANTI-TIP EFFORTS

13. (SBU)

-- A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government does not deny that TIP may occur in isolated incidents, but does not acknowledge TIP is a serious problem, and there have been no reports of TIP.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The police, Ministry of Gender affairs, Ministry of Justice and the Ministry of National security are all involved in anti-TIP efforts. The Ministry of Justice and the police have the lead. The police investigate TIP cases and the Ministry of Justice is responsible for prosecuting TIP cases.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

Almost every government agency in St. Kitts and Nevis lacks sufficient resources, including funding and staffing. The police suffer from a lack of experience and training in TIP, and are pre-occupied with a serious and escalating crime

situation. They have few resources dedicated to potential trafficking cases and enforcement against prostitution is almost non-existent. The St. Kitts and Nevis Defense Force's ability to patrol its coast line is limited.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government does not take specific measures to monitor potential trafficking and has no official reports or statistics.

PARA 25 - INVESTIGATION AND
PROSECUTION OF TRAFFICKERS

14. (SBU)

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language (actual copies preferable) of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

In August, 2008, St. Kitts and Nevis passed the Trafficking in Persons Prevention Act in order to prevent, punish and suppress trafficking in persons for both sexual exploitation

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and labor. The trafficking in persons laws criminalize the act of trafficking in persons and include all elements of the offense so that the person who masterminds the trafficking is just as culpable as the person who actively participates in the offense. The law covers both internal and transnational forms of trafficking. The law also addresses the restricting of a person's movement by unlawfully withholding identification of travel documents and allows the courts to order the perpetrator of the trafficking to pay restitution to the victims.

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

The penalties for trafficking people for sexual exploitation is 20 years imprisonment or a \$250,000 EC (\$92,500 US) fine, or both, based on the court's discretion.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the

worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

The penalties for trafficking people for sexual exploitation is 20 years imprisonment or a \$250,000 EC (\$92,500 US) fine, or both, based on the court's discretion. St. Kitts is a labor destination country, and under the Trafficking in Persons Prevention Act, the government may prosecute anyone who participates in TIP at any level.

-- D. What are the prescribed penalties for rape or forcible sexual assault?

The maximum penalty for rape or forcible sexual assault is life imprisonment. Indecent assault on a minor carries a maximum penalty of 10 years imprisonment.

-- E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

The government did not prosecute any cases against human trafficking offenders. St. Kitts and Nevis is a labor destination country, but there were no cases of labor agents confiscating workers' travel documents.

-- F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs,

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international organizations, and/or the USG provide specialized training for host government officials.

The government has partnered with the International Organization for Migration to provide some training on how to recognize and investigate instances of trafficking.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

There are no such cases on record.

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

The government has never extradited or charged anyone with TIP-related crimes. Under the Trafficking in Persons Prevention Act, TIP is an extraditable offense.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

The only reports of the government's potential involvement in the tolerance of TIP are local police officers tolerating prostitution.

-- J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

There is no evidence suggesting government officials are involved in TIP, and no government officials have been charged or prosecuted for TIP-related offenses.

-- K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution is illegal, but there is almost no enforcement.

-- L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

St. Kitts and Nevis does not generally contribute troops to international peacekeeping efforts.

-- M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

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St. Kitts and Nevis does not have an identified problem of child sex tourists coming to the country.

PARA 26 - PROTECTION AND ASSISTANCE TO VICTIMS

15. (SBU)

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

The Trafficking in Persons Prevention Act provides protection for victims of TIP and includes protections against recapture, threats, reprisals and intimidation by the traffickers and associates. These same protections apply to the victim's family.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

St. Kitts and Nevis does not operate a victim care facility or shelter.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

The Ministry of Gender affairs is able to provide minimal counseling for victims, but the government does not currently provide funding or shelter.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

The government does not provide access to legal and psychological services, but would provide basic medical services to victims of TIP through the state-run hospital.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

No.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

No.

-- G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

There were no reports of TIP victims during the reporting

period.

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

There is no system in place to proactively identify TIP victims.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Since there were no reports of TIP victims, this information is unavailable.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

Since there were no reports of TIP victims, this information is unavailable.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

Various government employees have received training in identifying potential TIP victims, but this training has not reached all relevant personnel. There are no reports of the embassies of St. Kitts and Nevis assisting TIP victims abroad.

- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

The government does not provide any special services specific to TIP victims. If victims of TIP who are nationals of St. Kitts and Nevis are repatriated, only the normal social services are available.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

International Organization for Migration has provided some training and assistance in developing standards and action plans, and receives good cooperation from the government.

16. (SBU)

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or

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beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

The government did not conduct anti-trafficking for education campaigns.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

The government does not monitor immigration and emigration patterns for evidence of trafficking.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

There are no specific mechanisms for coordination and communication between various agencies on trafficking-related matters aside from normal communication on criminal activity among government agencies.

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

There is no government plan of action to address TIP.

-- E: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (see ref B, para. 9(3) for examples)

The government undertakes minimal action to stop prostitution as part of its regular law enforcement responsibilities.

-- F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

There is no evidence of participation in international child sex tourism by nationals of St. Kitts and Nevis.

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